

BOARD OF FORESTRY AND FIRE PROTECTION

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**Resource Protection Committee Meeting Report**

Note: agenda items appear below in the order in which they were discussed by the assembly.

RESOURCE PROTECTION COMMITTEE**March 2, 2010****Time: 1:00 p.m. – 4:00 p.m.**

Location: **Resources Bldg.
15th Floor, Room 1506-12
Sacramento, California**

Agenda #1: Fire Plan Update. Review of Public Comments on Draft.

Board Staff Chris Zimny said that to date he has not received formal comments. Mr. Zimny did say that he received one phone call from the Chaparral Ecosystem Institute from Southern California. They will be providing formal comments.

Phyllis Banducci, Staff Chief, Fire Plan crafted a memo for the Director to distribute to the units which went out last Friday asking the units to consider all seven goals and to select 2 objectives within that particular goal. The units were asked to identify how these goals could be accomplished and what tools would be needed. Additionally, they were asked what support would also be needed from Sacramento Headquarters. The comments should be in by April 5th.

Ms. Banducci also announced that March 24-25 will be the Fire Alliance Directors meeting which will be held in Clovis. All government agencies will be attending this meeting. This would be a good time to distribute copies of the Fire Plan on comments. Additionally Mr. Zimny will be looking into the distribution list for the Fire Safe Council. Member Nakamura said that a cover memo should be attached to the Fire Plan.

Chair Giacomini asked Ms. Banducci if Chief Pimlott introduced these comments to the CAL FIRE Executive Team. Ms. Banducci said that Chief Pimlott thought there should be a follow-up to the units and that is the purpose of the memo that went out to the units. Following unit input, CAL FIRE could assist the RPC in identifying a work plan with performance standards. Basically the goal is to get the public comments and committee comments and from there develop a matrix of work priorities for meeting the Fire Plan. The goal is to have an adaptable plan. It is not regulatory plan.

Agenda #2: 1270 SRA Fire Safe Regulation update.

Board Counsel Teri Ashby went over a handout that was distributed regarding her legal analysis 14 CCR 1270.02. Central to her discussion was the point that the primary purpose for the Board in PRC 4290 was to establish the SRA Fire Safe Regulation, but not implement or advise on their implementation. Implementation is the responsibility of the local agency issuing the building permit or parcel/tentative map.

Mr. Zimny will continue to work on revising the scope on 1270.02 with Counselor Ashby. RPC Chair Giacomini requested that revisions to 14 CCR 1270.02 discussed at the meeting be drafted by staff in consultation with Counselor Ashby, forwarded to the Chair prior to the April 2010 RPC meeting, and prepared for the April 2010 meeting.

Agenda #3: Revisions to the General Plan Safety Element Recommendations.

Board Staff Chris Zimny distributed handouts regarding the Safety Element. These recommendations are taken from Cal Fire technical documents and used as generic recommendations for local agency general plan updates. Mr. Zimny would like to get this revised version approved because he would like to send them to Santa Barbara County.

Mr. Zimny also went over a SB 1207 by Senator Kehoe's office regarding updating a CAL FIRE document on Fire Hazard Safety at the office of Planning and Research that discusses General Plan input.

Board member Walz, suggested getting a hold of Senator Kehoe's office and send them our standard list of our Safety Element Recommendations, which show what we are currently sending out to County's.

Mr. Zimny recommended that that these changes be made on General Plan Fire Safety Element (January 26, 2010) because the previous document was a bit ambiguous.

Board member Saito made a motion to approve the General Plan Safety Element Recommendations and process in a timely manner with a caveat that we continue to update. Board member Nakamura seconded the motion. All committee members concurred with this.

Agenda #4: Potential updates to the Defensible Space Guidelines less than 14 CCR 1299 PRC Agenda item (priority item 3).

Board staff Chris Zimny went over potential updates to the Defensible Space Guidelines for the 100 foot clearance around the homes/structures pursuant to PRC 4291 and SB 1595 of 2008. The department has a team that is working on non regulatory education material. Mr. Zimny went over the observation that the short term team is not intending to make any regulatory changes. The CAL FIRE team did make the observation that the defensible space guideline regulations under 14 CCR 1299 may need to be updated because 1) they would like to reconsider the guideline that allows 3 inch surface fuel depth in the 30-70 ft area from the structure, and 2) the provision in SB 1595/PRC 4291 requires defensible space clearing requirements to consider the flammability of the structure. The flammability item would take significant technical background work prior to the department providing any recommended regulatory changes. The Department is continuing to work on the non-regulatory item at this time. The Committee will keep this on hold at this time

Agenda #5: Discussion of items for next month's agenda, review of 2010 Priorities. Potential Agenda Items for April 2010:

The RPC identified the following items for the April 2010 RPC agenda.

1. Fire Plan (review public comments).
2. 1270 Fire Safe Regulations
3. SRA update (Phyllis Banducci)
4. Utility Clearing Exemption Monitoring (priority 1)(Melanie Durham)
5. CAL FIRE Forest Legacy Program regulatory proposal (Jeff Calvert)
6. Discussion of next month's agenda

ISSUES FOR 2010

PRIORITY 1:

1. **California Fire Plan: Complete/Publish Review of 1996 Fire Plan, Initiate Update of CA Fire Plan:** *Review published, summer 2008. FPSC formed, update begun, target 2010 adoption. Public review draft being finalized. Information to be evaluated: Federal Fire Policy review and coordination, Cooperative Fire Review (§4141 et seq.), Unit Fire Plans, Community Wildfire Protection Plans, Contract County review, Blue Book (Staffing) Review, Climate change issues. Objective/Status: Complete by end of 2010, in progress and on April 2010 agenda.*
2. **Safety Element Review (all counties, cities with VHFHSZ):** *Review is ongoing issue, though it seems that fewer counties are submitting. Need to revisit this in light of the Fire Plan. 2010 mandatory reviews begin (San Diego area), reviews should consider 1270 compliance monitoring concurrently (review all counties for current standards, i.e., meet or exceed requirements). Objective/Status: Completed and approved revision of GP recommendations at March 2010 RPC. Submission of GP recommendations to counties on going.*
3. **Local County ordinance certification of Title 14 CCR 1270 Regulations (Fire Safe), PRC 4290/4291:** *Staff has begun review of statutes and regulations pertaining to fire safe regulations. Objective/Status: Review of scope, inspection authority and, exceptions in 2010. This will be continued to be reviewed and placed on the RPC Committee meeting agenda for April 2010*
4. **SRA 5 year review, balancing of DPA** *Review to begin in 2010. Should consider SRA guidelines concurrently. Objective/Status: Complete by end of 2010; Preparations of SRA map updates in progress at CAL FIRE Units and FRAP.*
5. **Utility Vegetation Clearing Standards** *Tracking CALFIRE Monitoring of performance of major woody stem exemption. Also, engagement with CPUC on new vegetation clearing standards. Objective/Status: Periodic updates in 2010; On RPC agenda for April 2010.*

PRIORITY 2:

6. **Vegetation treatment plan EIR:** *Administrative Draft being finalized, expect public review to begin first of 2010. Department should give an update ASAP to determine timelines. Objective/Status: Complete when funding becomes available; Contract work currently suspended.*

PRIORITY 3:

7. **(D09 #11) Regulatory consistency with new PRC 4291 laws:** *Includes amendments to Technical Rule Addendum No. 4, Minimum Distances Required by Law. Diagram of required defensible space does not show the 30-to-100 foot zone around structures wherein fuels treatment are required per PRC § 4291(b) and 14 CCR § 1299(a)(2). Also potential amendments to 14 CCR 1299. Objective/Status: Update of non regulatory guidelines in 2010. Revisions being prepared by CAL FIRE workgroup in progress.*

8. **Nursery Program Review**: *Begin review of Board Policies in light of current budget and Magalia closure, ramifications for climate change adaptation strategy. **Objective/Status: No timelines or work progress established***
9. **Sudden Oak Death Regulations and GSOB**. *On going updates being provided by COMTF. **Objective/Status: No timelines or work progress established***
10. **Vegetation Treatment Program Review**: *Performance report of CAL FIRE programs to evaluate progress in fuel hazard reduction **Review suspended. Issues regarding lack of resources and staffing. Objective/Status: No timelines or work progress established***
11. **Fuel Hazard Reduction Emergency and Forest Fire Prevention Exemption (14 CCR §§ 895.1, 1052, 1052.1, 1052.4, 1038(e), and 1038(i))** *Rules allow fire-prone landscapes in fire-critical areas to be treated to lessen their fire threat. However, there is no provision to assure that such landscapes will be maintained. Consider restricting the future management allowed through the FPRs, i.e., even age management. **Objective/Status: No timelines or work progress established***
12. **Range Management Advisory Committee's white paper entitled, "State Owned Lands: A Discussion of their Acquisition and Recommendations for Sustaining Natural Resource Values."** *White paper prepared by RMAC for Resources Agency to establish a policy for providing maintenance to lands acquired or privately controlled via use of state funding. **Objective/Status: Complete by mid-2010; policy paper submitted to Agency in late 2009.***

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